

THE DRIVER, OWNER, OR PASSENGER OF A MOTOR VEHICLE OTHER THAN A POLICE VEHICLE TO PARTICIPATE IN A ROAD BLOCK TO ASSIST HIM IN ENFORCING THAT LAW OR IN APPREHENDING ANY PERSON SUSPECTED OF VIOLATING OR KNOWN TO HAVE VIOLATED THAT LAW, THIS STATE OR THE POLITICAL SUBDIVISION, AS THE CASE MAY BE, IS LIABLE FOR THE DAMAGES OR INJURIES PROXIMATELY CAUSED BY PARTICIPATION IN THE ROAD BLOCK.

(C) DEFENSES AVAILABLE TO STATE OR POLITICAL SUBDIVISION.

THIS STATE OR A POLITICAL SUBDIVISION OF THIS STATE MAY USE THE ~~DEFENSES~~ DEFENSE OF CONTRIBUTORY NEGLIGENCE AND ASSERT THE DOCTRINE OF LAST CLEAR CHANCE IN AN ACTION BROUGHT OR DEFENSE RAISED UNDER SUBSECTION (B) OF THIS SECTION.

REVISOR'S NOTE: Subsection (a) of this section is new language derived without substantive change from Art. 66 1/2, §9-102(a). Subsections (b) and (c) of this section presently appear as Art. 66 1/2, §9-102(c).

In subsection (b) of this section, the present provisions relating to the status of the Baltimore City Police Department, defining "police officer", and requiring fiscal officers to pay claims are deleted for the reasons stated in the revisor's note to §19-101 of this title.

The only other changes are in style.

As to subsection (c) of this section, see revisor's note to §19-101(b) of this title.

As to subsection (a) of this section, it might be helpful to point out that, as more clearly stated in the revision, the intent of the law is to prohibit a police officer from directing people to participate in a road block. It does not prevent a police officer from commandeering a vehicle. For a reaffirmation of the common law privilege of allowing police officers to commandeer a vehicle, see 35 Op. Att'y Gen. 237 (1950).

TITLE 20. VEHICLE LAWS—ACCIDENTS AND ACCIDENT REPORTS.

20-101. SCOPE OF TITLE.

(A) TITLE APPLIES THROUGHOUT STATE.

THIS TITLE APPLIES THROUGHOUT THIS STATE, WHETHER ON OR OFF A HIGHWAY.

(B) SECTIONS 20-101 TO 20-105 APPLICABLE TO